

Rival Visions of Equality in American Political Culture

Richard J. Ellis

This article distinguishes between a competitive individualist process-oriented vision of equality and an egalitarian results-oriented vision of equality, and examines the changing relationship between these visions of equality in the American past. What is "exceptional" about the United States is not, as is often claimed, that it lacked a tradition of equal results but that those who favored equalizing results believed that equal process was a sufficient condition for realizing equal results. This study contends that these rival visions of equality, once believed to be mutually supportive, have become increasingly divorced in 20th century America.

In a letter to a young friend, Tocqueville counselled the need for "taking pains to use words in their true sense, and so far as possible in their most limited and certain meaning, so that the reader is always sure what object or image you want to offer him."¹ Precision in the use of words is, as Tocqueville suggests, essential to good scholarship. In politics, as in life, however, the premium is on ambiguity. Avoiding spelling out precisely what one has in mind by a word or phrase enables one to reach agreements and make alliances that might not be possible were everyone to define precisely their terms.

Among the vaguest words in political discourse is *equality*. Political philosophers have long lamented its elusive, protean quality.² Whether equality is, as one nineteenth-century critic complained, "a word so wide and vague as to be by itself almost unmeaning,"³ there is no doubt that the term possesses many, often

This article is part of a larger work, *American Political Cultures*, to be published by Oxford University Press in 1993, © 1993.

1. George Wilson Pierson, *Tocqueville in America* (Garden City, NY: Anchor, 1959). Unfortunately, in writing about equality and democracy, Tocqueville often failed to heed his own advice. Pierson estimates that Tocqueville used the term *democratie* in no less than "seven or eight different senses" (p. 459).

2. See, e.g., John C. Schaar, "Equality of Opportunity and Beyond," in *Equality*, ed. Roland Pennock and John Chapman (New York: Atherton, 1967), p. 228; George C. Catlin, "Equality and What We Mean By It," in *ibid.*, p. 99.

3. James Fitzjames Stephen, *Liberty, Equality, Fraternity* (1873), quoted in Hugo

contradictory, meanings.⁴ This article identifies two fundamentally different meanings that Americans have historically attached to the word *equality*. The first, the competitive individualist definition of equality, conceives of equality in terms of *process*; the second, the egalitarian definition, conceives of equality in terms of *results*.⁵

A results-oriented conception of equality should not be equated with a preference for complete equality of condition. If absolute equality is to be the standard for equal results, then few if any egalitarians would qualify, not Marx not Tawney not even Rousseau. Both the results and process vision of equality, Thomas Sowell explains, "recognize degrees of equality, so the disagreement between them is not over absolute mathematical equality versus some degree of equalization, but rather over just what it is that is to be equalized."⁶ No egalitarian wishes for everyone to be equal in all respects; all make some allowances for differences in interests and talents. What differentiates the egalitarian vision from the individualist vision is that the former focuses on equalizing outcomes while the latter focuses on equalizing processes.

Studies of American political culture have often assumed that in this most bourgeois of nations the process-oriented definition of equality has gone largely unchallenged.⁷ The lack of a vibrant equal

Adam Bedau, "Egalitarianism and the Idea of Equality," in Pennock and Chapman, *Equality*, p. 4.

4. The best analysis is Douglas Rae, *Equalities* (Cambridge: Harvard University Press, 1981).

5. I take this distinction between equality as result and equality as process from Thomas Sowell, *A Conflict of Visions: Ideological Origins of Political Struggles* (New York: Quill, 1987), chap. 6. The distinction between egalitarianism and competitive individualism is elaborated in Michael Thompson, Richard Ellis, and Aaron Wildavsky, *Cultural Theory* (Boulder, CO: Westview, 1990).

6. Sowell, *Conflict of Visions*, p. 122.

7. This is the assumption made by Sidney Verba and Gary R. Orren, for instance, who write that "the parties' differing views on equality are bounded by the American ideology of equal opportunity. . . . Americans have never striven to ensure that all people live alike. Rather, they have *always* followed the ideal of an equal start in the race so that those with greater ability and drive are allowed, and encouraged, to come out ahead" (*Equality in America: The View from the Top* [Cambridge: Harvard University Press, 1985], pp. 124, 71, emphasis added). But this formulation neglects the very different meanings given to the term "equal opportunity" in the equal results and equal process vision. In the equal process vision, the emphasis is on the opportunity to compete; in the equal results vision,

results tradition is commonly thought to set the United States apart from other Western nations, to form the basis of its "exceptionalism"—its lack of a strong socialist party, its weak labor unions, its position as a welfare state "laggard." Any number of factors have been adduced to explain American exceptionalism, including the frontier, natural abundance, the absence of feudalism, and the timing of universal male suffrage.⁸ All of these explanations have merit, but they tend to overstate the consensus on competitive individualism and thus misstate the nature of American exceptionalism. What is exceptional about America, I contend, is not that it lacked a results-oriented vision of equality but that those who favored equalizing results believed that equal process was a sufficient condition for realizing equal results.⁹

the emphasis is on equalizing the resources with which to compete. Interpreted literally, equality of opportunity becomes not an invitation to excel in the race of life, but rather an insistence that at every step of the way advantages should be redistributed so as to ensure that every one has an equal chance. Interpreted in this way, equal opportunity becomes indistinguishable from equal results. Verba and Orren's own evidence suggests the strength of the results-oriented interpretation of equal opportunity among contemporary American elites, particularly feminist elites.

8. Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, 1962). David M. Potter, *People of Plenty: Economic Abundance and the American Character* (Chicago: University of Chicago Press, 1954). Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, 1955). Amy Bridges, *A City in the Republic: Antebellum New York and the Origins of Machine Politics* (Ithaca: Cornell University Press, 1987). For recent work exploring the old question of American exceptionalism, see Byron Shafer, ed., *Is America Different?: A New Look at American Exceptionalism* (New York: Oxford University Press, 1991); Dorothy Ross, *The Origins of American Social Science* (Cambridge: Cambridge University Press, 1991); Richard Rose, "How Exceptional is the American Political Economy," *Political Science Quarterly* 104 (1989): 91-115. Also see Ian Tyrell, "American Exceptionalism in an Age of International History," *American Historical Review* 96 (1991), 1031-55, and the (to my mind) persuasive response by Michael McGerr, "The Price of the New Transnational History," *ibid.*, pp. 1056-67.

9. This thesis is argued in Aaron Wildavsky, "Resolved, That Individualism and Egalitarianism be made Compatible in America: Political Cultural Roots of Exceptionalism" (Paper Prepared for a Conference on "American Exceptionalism" at Nuffield College, Oxford, England, 14-16 April 1988). This paper also appears in Aaron Wildavsky, *The Rise of Radical Egalitarianism* (Washington, D.C.: American University Press, 1991). Also see Richard Ellis and Aaron Wildavsky, *Dilemmas of Presidential Leadership: From Washington Through Lincoln* (New Brunswick, NJ: Transaction Publishers, 1989).

My aim in this article is to analyze the changing relationship between these two rival visions of equality over the last two centuries of American history, albeit in a highly episodic and sketchy manner. Mine is a story of how competing visions of equality, once deemed mutually supportive, have increasingly come to be viewed as incompatible. In America's first century, egalitarians believed that the opportunity to trade and compete as equals would lead to roughly equal and noncoercive social conditions. Today, it is widely believed among egalitarians that the opportunity to compete creates unconscionable inequalities, and that the call for equal treatment is often little more than an excuse to perpetuate existing inequalities. How did we get from there to here?

Equal Process versus Equal Results in the Revolutionary Period

Equality has long been recognized as a core value of the American creed. Participants in the American Revolution believed it to constitute the very "life and soul" of the republican experiment.¹⁰ Yet the republican doctrine of equality, as Gordon Wood has observed, "possessed an inherent ambivalence: on one hand it stressed equality of opportunity which implied social differences and distinctions; on the other hand it emphasized equality of condition which denied these same social differences and distinctions."¹¹ Equality may have been widely agreed upon by patriots, but whether this meant equal process or equal results was sometimes a matter of bitter dispute. Nowhere in Revolutionary America was the conflict between these opposing visions of equality more evident than in Pennsylvania.

Neither "Constitutionalists" (as those who supported the 1776 Pennsylvania state constitution were called) nor "Republicans" (the opponents of that constitution) supported the inequalities of the Old World. Both sides rejected the hierarchical conception of society in which "in due gradation ev'ry rank must be, Some high

10. David Ramsay, quoted in Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969), p. 70; also see p. 425.

11. Wood, *Creation of American Republic*, p. 70.

some low, but all in their degree."¹² Both parties opposed entail, primogeniture and other legal means by which inequalities were passed down from generation to generation. The individual's position in society, both sides agreed, should not be determined by birth.

A shared opposition to the inequalities of hierarchy, however, did not prevent each side from arriving at its own distinctive conception of equality. For the Philadelphia merchants and entrepreneurs who led the effort to overturn the 1776 Constitution, equality meant eliminating the marks of ascriptive status that prevented talented individuals from rising to the top. The social environment these men inhabited was intensely competitive, as Thomas M. Doerflinger documents in *A Vigorous Spirit of Enterprise*. Barriers to entry were low, risks were high, bankruptcies were frequent, and payoffs were tremendous.¹³ For these entrepreneurs, equality meant opportunities not guarantees, process not results.

The radical framers of the 1776 Constitution, in contrast, insisted that equality meant more than merely the opportunity to become unequal. For radicals like William Findley, the essence of republicanism was equality "of wealth and power." "Enormous wealth, possessed by individuals" always posed a "danger in free states." "Great and over-grown rich men," James Cannon agreed, "will be improper to be trusted." To vest "an enormous Proportion of Property . . . in a few Individuals," believed the radicals, was "dangerous to the Rights, and destructive of the Common happiness of Mankind."¹⁴ From the radicals' point of view, the question of *how* that property was gained was largely irrelevant.

In the eyes of individualistic merchants, egalitarian radicals like Cannon, Findley, Timothy Matlack, Thomas Young, and John Smilie were "levelers" perverting the noble republican ideal of equal opportunity. "Different degrees of industry and economy," Republican spokesmen insisted, would "ever create inequality of

12. *Ibid.*, p. 478.

13. Thomas M. Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (Chapel Hill: University of North Carolina Press, 1986).

14. Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976), pp. 194, 129, 133.

property, especially in a commercial country." Radicals did not necessarily deny that this was so, nor did they endorse an absolute equality of condition. But theirs was nevertheless a vision based on equalizing results. They believed, with Thomas Young, that it was important to keep "the whole people as much on a level as may be." This meant not simply equal political rights but "equal interests, equal manners, and equal designs."¹⁵

The policy consequences of these conflicting visions of equality became manifest in the acrimonious debate over how to respond to the sharp rise in prices that accompanied the revolutionary war. For the radicals who shared a vision of equal results, price controls were a necessary device to ensure a "just price," that is, a price that did not unduly disadvantage the common people. The merchants, in contrast, opposed radical efforts to regulate procedures in the name of substantive ends. Trade, they insisted, should "be as free as air." Prices should be determined by the natural laws of supply and demand, not by what the community deemed a just result.¹⁶

The dispute over price controls brought to the surface the underlying conflict between the process-oriented vision and results-oriented visions of equality, but in the main conflicts between these two visions remained relatively muted in the early republic. Common ground was possible because, as Gordon Wood writes, at the time of the American Revolution "it was widely believed that equality of opportunity would necessarily result in a rough equality of station, that as long as the channels of ascent and descent were kept open it would be impossible for artificial aristocrats or overgrown rich men to maintain themselves for long."¹⁷ An unregulated marketplace increasingly came to be seen as a force for greater equality. Equal process would produce relatively equal results.

The fusion of the results-oriented vision of equality with a faith in equal process is embodied in the person of Thomas Paine, particularly the Paine who wrote *Common Sense* and Part I of *The Rights of Man*.¹⁸ That Paine's vision of equality was results-oriented

15. *Ibid.*, pp. 196, 125. Wood, *Creation of American Republic*, p. 402.

16. Foner, *Paine and Revolutionary America*, chap. 5; quotation p. 170.

17. Wood, *Creation of American Republic*, p. 72.

18. In Part II of *The Rights of Man*, Foner points out, "Paine asserted for the first

is evident even in his earliest writings. Before coming to America from Britain, Paine scored "the rich, [who lived] in ease and affluence," and whose wealth became "the misfortune of others."¹⁹ Throughout his life, Paine deplored the "extent of riches" and "extreme of poverty," and sought more equal outcomes.²⁰ At the same time, as Eric Foner notes, Paine "accept[ed] the self-regulating market—in labor as well as in goods—as an instrument of progress." Although Paine originally backed the idea of price controls, he soon soured on the idea as ineffective and coercive. In *The Rights of Man*, Paine rejected the idea of government setting workers' wages. "Why not leave them as free to make their own bargains," Paine asked, "as the law-makers are to let their farms and houses?"²¹

To the modern reader, Paine's simultaneous endorsement of the free market and equal results, capitalistic enterprise and social justice, commerce and community, seems incongruous. For Paine, however, there was no conflict because inequality stemmed from political rather than from economic causes. It was government and not the market, he believed, that was largely responsible for the oppression and misery of the poor. Economic inequalities could be

time that to do away with poverty in Europe, more was required than a simple transition to republican government. Paine outlined an economic program as close to a welfare state as could be imagined in the eighteenth century. The basis of taxation would be changed from poor rates and regressive levies on articles of consumption to direct, progressive taxes on property, especially land. From the proceeds, every poor family would receive a direct allocation of money to allow it to educate its children; a system of social security would enable all workers to retire at age sixty; . . . [and] public jobs and unemployment relief would be awarded to 'the casual poor'" (*Paine and Revolutionary America*, p. 218; also see Gary Kates, "From Liberalism to Radicalism: Tom Paine's *Rights of Man*," *Journal of the History of Ideas* 50 [1989]: 569-87).

19. Thomas Paine, "The Case of the Officers of Excise (1772)," in *Thomas Paine Reader*, ed. Michael Foote and Isaac Kramnick (Harmondsworth: Penguin, 1987), pp. 45, 41.

20. Foner, *Paine and Revolutionary America*, p. 95. Paine's egalitarianism is accented in Gregory Claeys, *Thomas Paine: Social and Political Thought* (Boston: Unwin Hyman, 1989); Thomas A. Horne, *Property Rights and Poverty: Political Argument in Britain, 1605-1834* (Chapel Hill: University of North Carolina Press, 1990), pp. 203-209; John Seaman, "Thomas Paine: Ransom, Civil Peace, and the Natural Right to Welfare," *Political Theory* 16 (1988): 120-42; and Richard J. Ellis, "Radical Lockeanism in American Political Culture," *Western Political Quarterly* (forthcoming).

21. Foner, *Paine and Revolutionary America*, p. 181.

remedied by doing away with the oppressive and corrupt monarchies of the new world and by establishing the procedural equality of republican governments in their place.²²

"The natural propensity of society," Paine believed, was to create relatively equal and harmonious social relations. Taxation, instead of being a means of redressing inequalities, was itself a principal cause of inequality. Because "the real burden of taxes" invariably fell on the poorer and laboring classes, the result of taxation was that "a great mass of the community are thrown thereby into poverty and discontent." The wretchedness of the poor was due to government's "greedy hand" thrusting itself "into every corner and crevice of industry" and grabbing "the spoil of the multitude."²³ Paine allowed that differences in industry, frugality, talents, and luck meant that even under the most propitious circumstances "property will ever be unequal,"²⁴ but he insisted that conditions would be considerably less unequal if government left individuals to regulate their own affairs.

For those who would understand the question, "why no socialism in America," the political thought of Paine is of critical importance. Louis Hartz's thesis of a liberal consensus correctly focuses attention on the weakness of Old World hierarchy in America, but it does not adequately specify how or why those like Paine who adhered to a results-oriented conception of equality also accepted the individualistic doctrine of self-regulation. The Paine of *Common Sense* could embrace both self-regulation and equal outcomes because he believed that (a) society in its natural state tended toward abundance and a rough equality of condition, and (b) America roughly resembled society in its natural state. It was only when Paine turned his attention to conditions in Europe that he lost faith in the self-regulating market and procedural equality as a sufficient condition for greater equality of condition, and came to the conclusion that government intervention would be necessary to achieve an approximate equality of results. Paine continued to believe, though, that for America at least the surest

22. *Ibid.*, esp. pp. 93-95.

23. *The Rights of Man*, quoted in "Editor's Introduction: The Life, Ideology and Legacy of Thomas Paine," *Thomas Paine Reader*, pp. 24, 26.

24. "Dissertation on First Principles of Government (1795)," *Thomas Paine Reader*, p. 462.

road to equality of result lay not in government redistribution but in avoiding the European path of development—of big government, big business, big banks, and big cities.²⁵

The High-Water Mark of American Exceptionalism: The Jacksonian Era

The exceptionalist belief that self-regulation would produce equal results was perhaps most fully realized in Jacksonian political culture. Under the leadership of Andrew Jackson, the Democratic party fused a strong egalitarian impulse with an equally fervent commitment to the unregulated marketplace.²⁶ This fusion of equal results with equal process has left historians deeply divided over how best to characterize the ideology of the Jacksonian party. For those historians who focus on the party's laissez faire beliefs ("The world is governed too much" was the lodestar of the Jackson administration mouthpiece, the *Washington Globe*²⁷), Jacksonian ideology seems a classic expression of entrepreneurial capitalism.²⁸ For those who focus on its commitment to equal results, the Jacksonian party (or at least its radical wing) seems to be a forerunner of welfare state liberalism if not social democracy.²⁹

To focus on one side of Jacksonian ideology at the expense of the other is to miss what is most distinctive about Jacksonian ideology, namely the effort to combine equal results with equal process. Interpreting Jacksonian ideology as simply a manifestation of bourgeois capitalism slights the results-oriented conception of equality that animated the Jacksonian language of "equal rights."

25. The prevalence of this view within the Jeffersonian party is documented in Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980).

26. Ellis and Wildavsky, *Dilemmas of Presidential Leadership*, chap. 6.

27. Robert V. Remini, *Andrew Jackson and the Course of American Freedom, 1822-1832* (New York: Harper & Row, 1981), p. 298.

28. Richard Hofstadter, *The American Political Tradition* (New York: Knopf, 1948). Bray Hammond, *Banks and Politics in America from the Revolution to the Civil War* (Princeton: Princeton University Press, 1957). Also see John Patrick Diggins, *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism* (Chicago: University of Chicago Press, 1984), pp. 105-18.

29. Arthur Schlesinger, Jr., *The Age of Jackson* (Boston: Little, Brown, 1945). Also see Arthur Schlesinger, Jr., "The Ages of Jackson," *New York Review of Books*, 7 December 1989.

At its core, as historian John Ashworth shows, the Democratic demand for equal rights "was no less than a demand for an equality of social power." For Amos Kendall, a leading member of Jackson's celebrated "Kitchen Cabinet," equality entailed rejecting any measures that "subject one man to the power or influence of another." Jacksonians worried tremendously about the "vast disparity of condition" that they saw opening up. Banking, tariffs, manufacturing, and government all seemed to conspire "to make the rich richer and the poor poorer." It would not be long, many feared, before society would be scarred by "inordinate wealth, on the one hand" and "squalid poverty on the other."³⁰

Without equal conditions, Jacksonians believed that it would be impossible to sustain equal procedures, for the rich and powerful few would inevitably bend laws to advantage themselves at the expense of the powerless multitude. "To secure the enjoyment of equal laws," announced an official resolution endorsed by Vermont and Massachusetts Democrats, it was "essential that the people . . . should be on an equality in their social and political condition." "Social equality," many Jacksonians felt, was "the legitimate foundation of our institutions, and the destruction of which would render our boasted freedom a mere phantom." Political democracy, echoed Massachusetts Democrat Robert Rantoul, depended on a society in which "inequalities both of property and of power" were "comparatively trifling." Only where equality of condition prevailed could democratic procedures be "real, substantial, and of course, permanent."³¹

To say that Jacksonians endorsed a results-oriented conception of equality is not to accept the view of Jacksonianism as a precursor of New Deal liberalism. For Jacksonians rejected the central premise of the welfare state, namely that government intervention could redress inequality. Government, in the Jacksonian view, was the problem not the solution. It was government intervening to benefit the well-organized few at the expense of the many that was largely responsible for great inequalities in wealth.

30. John Ashworth, *'Agrarians' and 'Aristocrats': Party Political Ideology in the United States, 1837-1846* (Cambridge: Cambridge University Press, 1987), pp. 24, 94, 46, 41.

31. *Ibid.*, pp. 27, 46, 26.

Equality between individuals, Jacksonians believed, was rooted in nature. "Every law of nature," Ohio Senator William Allen asserted, was "a law of equality." Ely Moore, a prominent New York Democratic labor leader and politician, agreed that "nature has set no difference between her children."³² Nature had made people fundamentally "alike in their hopes and fears, their joys and sorrows, their passions, appetites, and aspirations."³³ What differences between people in talent or industry that did occur naturally were insufficient to explain the vast disparities in conditions that they witnessed all around them. "There is nothing in the actual difference of the powers of individuals," Orestes Brownson insisted, "which accounts for the striking inequalities we everywhere discover in their condition."³⁴

These inequalities in conditions were attributed not to the natural workings of the marketplace but to the distorting influence of government intervention. Left to themselves, the natural laws of supply and demand "would tend to equalize the distribution of wealth." "Among a free and enterprising people," explained the *Democratic Review*, "the rates of profit, realised by individuals engaged in the various employments of life, have a constant tendency to the same level." There was, echoed another, a "natural tendency of capital to an equal distribution among the people."³⁵ If society would only trust to "nature's own levelling process," America would realize "that happy mediocrity of fortune which is so favorable to the practice of Christian and republican virtues."³⁶

Government intervention invariably upset this natural equality and introduced artificial inequalities. By favoring some groups at the expense of others, the result of governmental activity was "in the end, to introduce ranks and classes and family distinctions."³⁷ The power of the state, William Leggett insisted, "has always been exercised under the influence and for the exclusive benefit of wealth. It was never wielded in behalf of the community."³⁸ "Four

32. *Ibid.*, pp. 11, 41.

33. *Globe*, Sep. 1840, quoted in Ashworth, *Agrarians and Aristocrats*, p. 25.

34. Lawrence Frederick Kohl, *The Politics of Individualism: Parties and American Character in the Jacksonian Era* (New York: Oxford University Press, 1989), p. 206.

35. Ashworth, *Agrarians and Aristocrats*, pp. 29, 40.

36. Kohl, *Politics of Individualism*, p. 208, emphasis added.

37. Ashworth, *Agrarians and Aristocrats*, p. 40.

38. "True Functions of Government," in *Social Theories of Jacksonian Democracy*,

fifths of the action of all legislation," reported the *Democratic Review*, "promote[d] the accumulation of prosperity in a few hands." Inequality, echoed the *Globe*, is "created by legislative enactments, and sustained by the partiality of the law."³⁹

Equalizing outcomes thus required not expanding government's role but contracting it. It was an unquestioned axiom of Democratic political thought that "if all were left without any special aid from government, both land and the products of industry would be far more equally distributed than they are." Allow no citizen to be the beneficiary of special legal privileges and "the strange contrasts created by overgrown affluence and wretched poverty would give place to apportionments of property more equitably adjusted to the degrees of personal capacity and merit."⁴⁰ Because men were born equal, formal or legal equality was not only necessary but sufficient to insure roughly equal outcomes.

Radical Jacksonians rejected socialism not because they rejected a results-oriented vision of equality but because they believed equal results could better be achieved by relying on competitive markets than by enlisting government authority. Socialism could make little headway so long as American egalitarians continued to believe in "nature's own leveling process." Only as egalitarians begin to lose faith in the ability of equal process to bring about equal results did the exceptionalist alliance of individualism and egalitarianism, equal process and equal results, begin to unravel.

The Populist Challenge to American Exceptionalism

The egalitarian belief that the free market was a source of equality and that government was a cause of inequality did not collapse overnight. Its demise was instead piecemeal. The belief was challenged in the aftermath of the Civil War by those like Wendell Phillips and Thaddeus Stevens, who came to feel that procedural inequality was insufficient to help the freed slave. Given only the ballot and a chance to sell his services on the open market, the black man would become a slave once more to the

ed. Joseph L. Blau (Indianapolis: Bobbs-Merrill, 1954), p. 77.

39. Kohl, *Politics of Individualism*, p. 203.

40. *Ibid.*, pp. 206, 208.

economically powerful. Only through governmental activity could more equitable outcomes be realized. In the contemporary period, it has been the attempt to help blacks and other minorities that has perhaps contributed most to the collapse of the belief that securing equal process is sufficient to achieve more equal results.

The most sustained of the nineteenth-century attacks upon the exceptionalist belief, however, had little connection with the issue of race. It stemmed instead from the Populist crusade against the railroads. The Populists were much like the Jacksonians in their zeal for redressing inequalities, their denunciations of corporations and the "money power," as well as their defense of the "producing classes" against parasitic speculators and money-changers. But they differed in one important respect. Where the Jacksonians viewed governmental legislation as a major source of inequality, many Populists came to see government as a potential avenue for remedying inequality.

Few if any Jacksonians had seen any conflict between increasing individual freedom and redressing inequalities. Many Populists, in contrast, were persuaded that individual freedom to do as one pleased created gross inequalities. "The plutocracy of to-day," the editors of the *Farmer's Alliance* explained, "is the logical result of the individual freedom which we have always considered the pride of our system." It was because "individual enterprise was allowed unlimited scope" that the country was plagued by gross inequalities, selfishness, and corporate abuse. The corporation, after all, "in its nature and development . . . is only the original and cherished principle of individual liberty."⁴¹ Untrammelled competition, many Populists came to believe, led inevitably to concentration and monopoly.

W. Scott Morgan, a prominent Southern populist, rejected the notion "that competition will correct all inequalities arising in the various conditions of labor." Far from being self-correcting, as Adam Smith (and Paine) had it, the unregulated marketplace, Morgan maintained, invariably tended to concentrate wealth in

41. *Farmer's Alliance*, 28 February 1891, in *The Populist Mind*, ed. Norman Pollack (Indianapolis: Bobbs-Merrill, 1967), pp. 18-19. A few years later, the newspaper reiterated that "a reigning plutocracy with the masses enslaved, is the natural development and end of individualism" (Norman Pollack, *The Populist Response to Industrial America* [Cambridge: Harvard University Press, 1962], p. 19).

the hands of the few: "Competition in wages, when based upon necessity, is decidedly injurious and signifies an unhealthy condition of the industrial interests of the country. Competition in commerce, trade and transportation fails 'at the moment something is expected of it,' because it leads to combination." An equitable distribution of wealth thus could not trust to allegedly natural laws of supply and demand but instead required active governmental intervention.⁴²

The view that monopoly was the logical result of competitive capitalism was given widespread currency in Henry Demarest Lloyd's *Wealth Against Commonwealth*, published in 1894. "What we call Monopoly," Lloyd observed, "is Business at the end of its journey. Indeed the central paradox of modern society, in Lloyd's view was that "liberty produces wealth, and wealth destroys liberty."⁴³ More equitable conditions thus required placing governmental restrictions on economic liberty. A more respectable and systematic expression of this view was outlined by the sociologist Lester Ward. "All the evils of society," Ward explained, "are the result of the free flow of natural propensities." "Unbridled competition," he argued, invariably "destroys itself" by concentrating power in the hands of the few. It was thus incumbent upon government to regulate society so as to prevent the occurrence of injustice (i.e., grossly unequal results).⁴⁴

Populists tended not to share the Jacksonians' faith in "nature's levelling process." Frank Doster, who in 1896 would become chief justice of the Kansas Supreme Court, expressed this skeptical view of nature in a Fourth of July (1893) oration in Marion, Kansas. The state of nature, Doster believed, was characterized by ruthless selfishness and competitive strife, governed as it was by the doctrine of the survival of the strongest. It was these inequalities of nature that made government necessary. "All government and all necessity for government," Doster maintained, "grows out of the

42. W. Scott Morgan, *History of the Wheel and Alliance* (1889), in Pollack, *Populist Mind*, pp. 247-48. Also see Norman Pollack, *The Just Polity: Populism, Law, and Human Welfare* (Urbana: University of Illinois Press, 1987), pp. 89-91.

43. Pollack, *Populist Mind*, pp. 499-500.

44. Lester Ward, "Plutocracy and Paternalism," in *The Gilded Age*, ed. Ari Hoogenboom and Olive Hoogenboom (Englewood Cliffs, NJ: Prentice-Hall, 1967), p. 40.

fact of inequalities and that government which does not provide for the leveling and equalizing of the conditions which grow out of the unrestricted exercise of the natural powers of its citizens has failed in the purpose of its creation." What "we call equality," Doster reiterated, "must be realized through the process of human government, and it is the business of government to discover and enforce those laws of harmony which raise men above the barbarous antagonisms of the natural state into relationships of unity and fraternity."⁴⁵

Absent, too, was Paine's faith in commerce as a source of spontaneous sociality and cooperation. The "fierce competitive strife" of bidding and bargaining, in the view of many Populists, only led to the destruction of "brotherly love." Human fellowship, for Paine, flowed out of the competitive marketplace; for Populists, in contrast, fellowship and cooperation were more likely to be seen as directly antithetical to competition and the accompanying "selfish, struggling individualism."⁴⁶

Having begun to lose faith in the self-regulating market as an instrument of equal results, egalitarians in the late nineteenth century began to view government in a new, more positive light. Rejecting Paine's premise that "government even in its best state is but a necessary evil"⁴⁷ as well as the Democratic axiom that "the best government is that which governs least,"⁴⁸ the Populists declared (in the 1892 Omaha Platform) that "the powers of government—in other words, of the people—should be expanded . . . as rapidly and as far as the good sense of an intelligent people and the

45. Pollack, *The Just Polity*, pp. 136-37. Kansas Governor Lorenzo Lewelling, a close political associate of Doster, voiced the same view in his 1893 inaugural address, which began: "The survival of the fittest is the government of brutes and reptiles, and such philosophy must give place to a government which recognizes human brotherhood. It is the province of government to protect the weak" (Pollack, *Populist Mind*, p. 51). Also see the analysis of Ignatius Donnelly's writings in Pollack, *The Just Polity*, esp. pp. 248-49.

46. Doster, quoted in Pollack, *Populist Mind*, p. 12. Gary Lee Malecha, "Understanding Agrarian Fundamentalism: A Cultural Interpretation of American Populism" (Paper prepared for delivery at the 1988 Annual Meeting of the American Political Science Association, Washington D.C., 1-4 September 1988), p. 37.

47. Thomas Paine, *Common Sense*, ed. Isaac Kramnick (Harmondsworth: Penguin, 1986), p. 65.

48. *Democratic Review* (October 1837), in Blau, *Social Theories of Jacksonian Democracy*, p. 27.

teachings of experience shall justify, to the end that oppression, injustice, and poverty shall eventually cease in the land."⁴⁹ The people "have come to believe," explained the *Topeka Advocate*, "that many of the abuses to which they are subject might be remedied, and their condition be bettered by a proper exercise of the power of the government."⁵⁰ Government could "by enactments procure and secure to the workers . . . [their] equal, rightful share of the labor-saving, wealth-making power of steam, electricity and machinery."⁵¹ Government could also be used to "take away the power of men to keep what they do not need and do not use themselves from people who do need and wish to use what heaven designed should be used."⁵² Once seen as an egalitarian instrument ("a machine to insure justice and help the people," in the words of Ignatius Donnelly⁵³), few Populists concerned themselves with placing limits on government activity.⁵⁴ "The public," explained Henry Demarest Lloyd, "have the right to use public powers for the public welfare to any extent the public demands."⁵⁵

Some Populists, particularly in the South, still clung to the Jacksonian axiom that government intervention inevitably exacerbated inequalities. This was the view of James H. Davis, a Texas Populist, who warned his audiences that "just in proportion as the organic structure or practices of a government, permit or extend paternal aid in helping the individual man, that aid will in some way be appropriated for the benefit of the few and not the many."⁵⁶ Similarly, W. A. McKeighan, a Nebraskan Populist, spoke in recognizably Jacksonian tones when he called for government to "undo its mischievous legislation protecting capital employed in manufacturing, and leave the distribution of wealth to follow natural laws free from government meddling and interference."⁵⁷

49. Pollack, *Populist Mind*, p. 62.

50. Pollack, *Populist Mind*, p. 59.

51. *Topeka Advocate*, quoted in Malecha, "Understanding Agrarian Fundamentalism," p. 43.

52. Malecha, "Understanding Agrarian Fundamentalism," p. 42.

53. Ignatius Donnelly, *Caesar's Column* (1890), in Pollack, *Populist Mind*, p. 481.

54. Walter K. Nugent, *The Tolerant Populists: Kansas Populism and Nativism* (Chicago: University of Chicago Press, 1963), p. 98.

55. Pollack, *Populist Mind*, p. 70.

56. James H. Davis, *A Political Revelation* (1894), quoted in Pollack, *Populist Mind*, pp. 28-29.

57. Pollack, *The Just Polity*, p. 181. Also see Richard Hofstadter, *The Age of Reform*:

Certainly all Populists agreed that government as currently constituted benefited the few at the expense of the many. It was the wealthy few, after all, who controlled the state.⁵⁸ Increasingly, though, Populists began to believe that the answer was not to minimize the role of government, but rather to have the people take control of government and put it to work for them. Government, after all, was not "a foreign entity," but simply "the agent of the people" designed "for the purpose of executing the popular will."⁵⁹ For many Populists, government had become, in the words of historian Norman Pollack, "the locus of regenerative political and social relations."⁶⁰

Although Populism collapsed as an effective political force after McKinley's smashing victory in the 1896 election, Populist ideas about government proved more hardy. The railroads were not taken over by government, but they were regulated in the public interest. The graduated income tax that Populists had pushed became the law of the land in 1913. The Populists' belief that government was a potential instrument of equalizing results reached fruition in the New Deal. By the close of Franklin Roosevelt's administration, few if any who adhered to an equal results vision would accept the Jacksonian premise that untrammelled freedom would generate relatively equal results.

The New Left: A New American Exceptionalism?

What was distinctive about American egalitarianism in the eighteenth and nineteenth century was its hostility to government as a source of inequality. Populism, Progressivism and especially the New Deal all contributed to bringing the United States more

From Bryan to F.D.R. (New York: Knopf, 1955), p. 63.

58. Typical were William A. Peffer's complaint that "Money controls our legislation, it colors our judicial decisions, it manipulates parties, it controls policies" (*The Farmer's Side*, in Pollack, *Populist Mind*, p. 86), and James B. Weaver's lament that "a bold and aggressive plutocracy has usurped the Government and is using it as a policeman to enforce its insolent degrees" (*A Call to Action*, in Pollack, *Populist Mind*, p. 110).

59. William Peffer, quoted in Nugent, *Tolerant Populists*, p. 98; and Pollack, *Populist Mind*, p. 106.

60. Pollack, *The Just Polity*, p. 130.

into line with the European model of using government to redress inequalities. Although the United States continued to lack a sizable socialist party, the Democratic party after the New Deal became in many ways a surrogate social Democratic party.⁶¹ The post-new Deal Democratic party was committed to using government to remedy the inequalities generated by capitalism, and significant proportions within the party even favored some measure of public planning.

The rise of the New Left in the nineteen sixties presented a challenge to the Social Democratic model of allying with government to redress the inequalities of competitive individualism. The New Left shared the Old Left's suspicion of capitalism, but it also shared the Jacksonian suspicion of government as a source of inequality. This simultaneous hostility to both capitalism and government, the competitive marketplace as well as authority, was the defining characteristic of the New Left. It was not their egalitarianism ("it is a crime," declared Students for a Democratic Society president Carl Oglesby, "that so few of us should have so much at the expense of so many"⁶²) that was new; what was novel was their refusal to ally with either hierarchy or individualism to achieve egalitarian ends. The Old Left fought against the inequalities of capitalism by enlisting bureaucracy. Jacksonians resisted bureaucracy and placed their hope for an egalitarian order in a liberated capitalism. The strategy of the New Left was different; their aim, in the words of Tom Hayden, was "to fight against capitalism *and* bureaucracy."⁶³

The egalitarian ideology of the New Left is summed up in Kirkpatrick Sale's notion of politics on a "human scale." Like the

61. J. David Greenstone, *Labor in American Politics* (New York: Knopf, 1969). Michael Harrington, *Socialism* (New York: Saturday Review Press, 1972). Seymour Martin Lipset, "Why No Socialism in the United States?" in *Radicalism in the Contemporary Age*, ed. Seweryn Bialer and Sophia Sluzar (Boulder, CO: Westview Press, 1977), pp. 140-45. Also see George E. Mowry, "Social Democracy, 1900-1918," in *The Comparative Approach to American History*, ed. C. Vann Woodward (New York: Basic Books, 1968).

62. Carl Oglesby, "Trapped in a System," speech delivered at antiwar march in Washington, D.C. on 27 October 1965, in *The New Left: A Documentary History*, ed. Massimo Teodori (Indianapolis: Bobbs-Merrill, 1969), p. 186.

63. Quoted in James Miller, *"Democracy Is in the Streets": From Port Huron to the Siege of Chicago* (New York: Simon & Schuster, 1987), p. 265, emphasis added.

Jacksonians, Sale believes that government intervention is inevitably a source of economic inequality. "U.S. government regulations and policies have worked," he explains, "both deliberately and accidentally, to create and sustain the large corporations that are the underpinnings of our economic system." If Sale sounds typically Jacksonian in his denunciations of the "discriminatory, privilege-creating actions of Big Government," his jeremiads about the inequalitarian effects of the competitive marketplace are quite unjacksonian. "Capitalism," according to Sale, "is a system that depends, quite simply, on growth," and it is this dependence on "continual growth" that is the motor force generating "the burden of bigness."⁶⁴ For Sale, capitalism and government are co-conspirators in the modern onslaught against small-scale egalitarian community.

The New Left's antipathy to both competitive individualism and hierarchical authority was explicitly spelled out by former SDS president Todd Gitlin in a 1966 essay, "Power and the Myth of Progress." In it, Gitlin attacks "the unchallenged domination of the values of the marketplace" and denounces free enterprise as nothing more than a "fraud." But he does not stop with an attack on the inequities of capitalism. For government, too, is at fault. "It would be a mistake," Gitlin explains, "to cast government in the role of hapless bystander, for it too is a mechanism of irresponsible power, almost as free of democratic control as are the corporations, and as comfortably respectful of business as business is of it." Although "New Deal institutions were intended to circumscribe [corporate] power," the fact was that they did "so marginally if at all." In urban renewal, for instance, "public power does not countervail against 'private' power—instead the two combine to exclude from their plans the people most abruptly affected by their decisions." "Intended to remedy the excesses of unbridled capitalism," the welfare state in fact feeds the "powerlessness of the poor." Nor has the welfare state made significant progress in removing inequalities in income; equality, he says, "is nearly a literal millennium away." The War on Poverty is simply more of the same: "irrelevant at best and inimical at worst to the standard of democracy." "Top-down social agencies," Gitlin insists, are "no

64. Kirkpatrick Sale, *Human Scale* (New York: Coward, 1980), pp. 66-68.

help." Nor are "traditional liberal instruments of change," such as the ballot box, social mobility, or education.⁶⁵

A dilemma faced the New Left. How could the world be made a more equal place if government and the marketplace were both forces for inequality? If neither governmental authority nor capitalism could be harnessed to egalitarian ends, then how was equality to be realized. Must equal results remain "a literal millenium away"? The New Left's answer was that equality could be achieved only by building egalitarian "counter-institutions" that remained uncorrupted by the inequities of the larger society. Transforming society in an egalitarian direction, explained Hayden, entailed "building institutions outside the established order which seek to become the genuine institutions of the total society."⁶⁶ These "counter-institutions" included community unions, freedom schools, experimental universities, community-formed police review boards, and antipoverty organizations controlled by the poor.

Within these new institutions, power and resources would be shared equally among its members. A shared sense of sacrifice, purpose, and belonging would unite members of the collectivity. Every person would be able to participate equally in the decisions that affected them. None would be treated as better than another. Cooperation would replace competition, and equality would replace authority.

But the New Left's idea of building "moral communities within an amoral society"⁶⁷ begged many of the questions it was supposed to answer. To establish small communities of like-minded equals was one thing; to make the outside world a more egalitarian place was quite another. To hope that "these islands" of egalitarian morality would "spread by force of example or by guerilla warfare until they control the whole country" was utopian.⁶⁸ The tension between means and ends was left unresolved.

65. Todd Gitlin, "Power and the Myth of Progress," in Teodori, *New Left*, pp. 188-91. Sober second thoughts can be found in Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam, 1987).

66. Tom Hayden, "The Politics of the Movement," in Teodori, *New Left*, p. 208. Also see Staughton Lynd, "Coalition Politics or Nonviolent Revolution?" in Teodori, *New Left*, pp. 197-202.

67. Quoted in Miller, *Democracy Is in the Streets*, p. 196.

68. *Ibid.*, p. 196.

New Left organizations like the Student Nonviolent Coordinating Committee and SDS that operated on strictly egalitarian premises—each individual must consent to every decision, no individual should exercise authority over another—found themselves often unable to reach decisions, particularly as the organizations grew into something resembling a mass movement. One former SDS member recalls a twenty-four-hour discussion over whether group members could take a day off and go to the beach!⁶⁹ The result was that these organizations often moved painfully slowly, failing to seize opportunities or promptly rebut attacks. This could be justified, as Staughton Lynd did, on the grounds that “the spirit of a community, as opposed to an organization, is not, We are together to accomplish this or that end, but, We are together to face together whatever life brings.”⁷⁰ But the “building of a brotherly way of life even in the jaws of Leviathan”⁷¹ was, as Richard Flacks recognized, necessarily in tension with their goal of “a redistribution of wealth and power in the society.”⁷² By refusing to ally with (or be coopted by) established institutions, New Left organizations like SDS and SNCC consigned themselves to the borders of society. This allowed them their purity but often at the cost of effecting the “social change” they so fervently desired.

For allies, the New Left looked not to capitalism or to government but to the oppressed. “Our place,” they insisted, “is at the bottom.”⁷³ The poor of the rural South and Northern ghettos held out the most hope for a radical reconstruction of society because they were least corrupted by involvement with the dominant values and institutions of society.⁷⁴ It was “in the culture of poverty,” the New Left insisted, that was to be found “a culture of resistance.”⁷⁵ “Students and poor people,” explained Tom Hayden,

69. *Ibid.*, p. 207.

70. Staughton Lynd, “The New Radicals and ‘Participatory Democracy,’” in Teodori, *New Left*, p. 233.

71. *Ibid.*

72. Quoted in Miller, *Democracy Is in the Streets*, p. 239. Also see Richard Flacks, “Some Problems, Issues, Proposals,” in *The New Radicals*, ed. Paul Jacobs and Saul Landau (New York: Vintage, 1966), pp. 162-65.

73. Quoted in Miller, *Democracy Is in the Streets*, p. 263.

74. *Ibid.*, p. 263. Todd Gitlin, “The Radical Potential of the Poor,” in Teodori, *New Left*, p. 137. Also see Teodori, *New Left*, pp. 209-17.

75. Todd Gitlin, “The Radical Potential of the Poor,” in Teodori, *New Left*, p. 143.

"make each other feel real." Students could give the poor a sense of democratic possibilities, and the poor could "demonstrate to the students that their upbringing has been based on a framework of lies."⁷⁶ The downtrodden's first-hand experience with the brutality of the system made them an untapped "source and reservoir of opposition to the . . . American system."⁷⁷

Unfortunately for the New Left, "the radical potential of the poor"⁷⁸ remained largely that: potential. Projecting their own values onto those of the poor (black sharecroppers, for instance, were said to possess "a closeness with the earth, . . . a closeness with each other in the sense of community developed out of dependence, . . . [and] the strength of being poor"⁷⁹), they underestimated the passivity and distrust that marked the "culture of poverty." Try as they might, they could not avoid the dilemma of reconciling their commitment to "redistribute the common wealth"⁸⁰ with their distrust of bureaucracy and governmental power. Maximizing the participation of the poor, as the War on Poverty showed (and the Old Left never tired of pointing out), was not necessarily the best means of reducing societal inequalities.

The "new exceptionalism" of the New Left should not be exaggerated. The New Left shared more in common with the Populists, Progressives and New Dealers than they did with the Jacksonians or Revolutionaries. Asked to "name the system," most answered "capitalism."⁸¹ Despite their suspicion and denigration of government, their desire to remedy unequal outcomes generated by the market led to policies that required an expansion of the scope of governmental power. Still, the New Left's distrust of bureaucracy, authority, and hierarchy remained an important obstacle to a European-style social democratic vision that would combine support for authority with a commitment to equalizing results. Thus despite its hostility to capitalism, the New Left's brand of egalitarianism ironically contributed in some ways to furthering American exceptionalism.

76. Miller, *Democracy Is in the Streets*, p. 263.

77. Todd Gitlin, "The Radical Potential of the Poor," in Teodori, *New Left*, p. 137.

78. Todd Gitlin, "The Radical Potential of the Poor," in Teodori, *New Left*.

79. Jane Stembridge, quoted in Gitlin, *The Sixties*, pp. 164-65.

80. Richard Flacks, quoted in Miller, *Democracy Is in the Streets*, p. 172.

81. Gitlin, *The Sixties*, p. 185.

At the same time, however, the New Left and the policies it helped spawn (particularly affirmative action) have accelerated the deterioration of the nineteenth century exceptionalist alliance of individualism and egalitarianism, equal process and equal results. For the New Left is even more suspicious than the Old Left of the unregulated market and "mere" equality of process. "Legal equality and equality of opportunity" became seen by many on the New Left as just a "part of the liberal ideology" that "gets the Negro in the South no more than a Harlem."⁸² Issues of race and gender, more than economics, have perhaps contributed most to contemporary egalitarian disillusionment with the process-oriented vision of equality.

The Demise of American Exceptionalism: Redefining Discrimination

Nothing so clearly indicates the total collapse of American exceptionalism as the changing definition of discrimination that has taken place over the past quarter century. The test of discrimination has moved from intent to effect, from process to results. In the past, most Americans understood discrimination to mean a violation of equal process, as when an individual must sit at the back of a bus because of his race or is denied a job because of her sex. But since the 1960s, a new egalitarian results-oriented definition of discrimination has arisen. Practices devoid of discrimination in terms of process are now deemed "discriminatory in effect" if they increase unequal results. One can now discriminate without intending to, or be a racist while treating every racial group the same.

In early American history, egalitarians assumed that equal process was sufficient to produce equal results. In contemporary America, the presumption among egalitarians has become entirely different. If the outcomes are unequal, the process must be unequal. Are minorities and the poor more likely to end up in prison, then incarceration is discriminatory. Are blacks more likely to be

82. Carl Wittman and Thomas Hayden, "An Interracial Movement of the Poor?" in *The New Student Left: An Anthology*, ed. Mitchell Cohen and Dennis Hale (Boston: Beacon Press, 1966), p. 185; Carl Wittman, "Students and Economic Action," in Teodori, *New Left*, p. 128.

sentenced to death, then the death penalty must be racist. Do women drop out of graduate school at a higher rate than men, then the process must be sexist. Do whites do better than minorities on standardized tests, then the standards are discriminatory. Are minorities underrepresented on university faculties, then the process must be racist. And so on, ad infinitum.

This redefinition of discrimination makes an alliance of individualists and egalitarians extremely difficult. For individualists can hardly be expected to take kindly to having their conception of equality being labeled as discriminatory, racist, and sexist. Individualists insist that terms such as discrimination only make sense when applied to the realm of process and intent. Such phrases as "discriminatory in effect" are, from the individualist point of view, transparent attempts to cloak the equal results vision in the highly charged language of discrimination.

Perhaps no issue better dramatizes the eclipse of American exceptionalism than the controversy over comparable worth. Egalitarian proponents of comparable worth cite the "wage gap" between women and men as *prima facie* evidence of "wage discrimination." Individualists regard this as patently absurd. How can wages set by gender-blind laws of supply and demand be discriminatory? They may generate unequal results, individualists maintain, but that is as it should be. If men make more than women it is not because of discrimination but because, for instance, women are more likely to opt for jobs permitting easy exit from and reentry into the labor force. The problem is not in the process but in the people. If a woman wants to earn more, the answer is not to have government mandate higher wages for traditional female jobs but rather for women to enter those male-dominated labor markets where wages are higher. If a woman tries to enter a traditionally male labor market and is not hired or not promoted *because she is a woman*, then you have discrimination but not until. The process is presumed equal until proven otherwise.

Egalitarians have tried to reverse the burden of proof: the process is assumed to be unequal until the results are equal. Women who occupy "traditionally segregated jobs" are said to have a *prima facie* case for wage discrimination, with the burden of proof falling on the employer. By importing the rhetoric of segregation and discrimination used to win black civil rights in the 1950s and 1960s, proponents of comparable worth have attempted

to link their cause with the fight against segregated schools and disfranchisement. But the rhetoric obscures a fundamental distinction: segregation and disfranchisement in the South were inequities in the process; the "wage gap" is an unequal result.

Conscious that individualists are concerned with inequities in the process, comparable worth's defenders have sometimes argued that the process itself is iniquitous. A few feminists have claimed that employers have actively colluded to hold down women's wages, but this argument has not won many converts. More common is the contention that the "herding" or "crowding" of women into a "pink-collar ghetto" produces an oversupply of labor and a consequent decline in wages. But in the absence of evidence of somebody doing the "herding," this theory (stripped of its loaded metaphors) concedes that wages are determined by market forces of supply and demand.⁸³ What is discriminatory or iniquitous about that?, asks the individualist. What is discriminatory and iniquitous, answers the egalitarian, is that it produces unequal results. Between these two visions there is an impassable gap.

American exceptionalism cannot survive when the laws of supply and demand are seen as inherently discriminatory. In its call for government to correct the inequities of the marketplace, comparable worth can be seen as simply another stage in the erosion of American exceptionalism in the twentieth century. But in many ways, comparable worth is qualitatively more divisive than past policies. Much of the New Deal was conceived as saving the free market from itself, but comparable worth is designed not to check but to override the market. As Michael Levin points out, comparable worth does not even "pretend to facilitate the best tendencies of the free market; rather, it is explicit about seeking to flout the market."⁸⁴ The minimum wage, for instance, is designed to provide a "decent" wage for workers, but without any claim that this is what the worker's labor is "really" worth. Comparable worth, in contrast, rests on the notion that the value of one's work can be determined outside of the market. Individualists might be persuaded to put up with the former notion, but they can never

83. Michael Levin, "Comparable Worth: The Feminist Road to Socialism," *Commentary* 78 (September 1984): 13-14.

84. Levin, "Comparable Worth," p. 18. The subsequent example in the text is drawn from Levin, "Comparable Worth," p. 17.

countenance the latter for it is an invitation to endless government intervention.

The same redefinition of discrimination has occurred, as Abigail Thernstrom has shown, in the area of voting rights. The Voting Rights Act of 1965 had one purpose and one purpose only: to ensure that every American citizen has an equal opportunity to vote. Its aim was to do away with those techniques, such as literacy and "understanding" tests (how many bubbles in a bar of soap?), poll taxes, intimidation and violence, by which southern whites effectively disfranchised blacks. The premise was that eliminating discriminatory processes would create more equal results. Give blacks the opportunity to vote and the rest would take care of itself. "From participation in elections," Attorney General Robert Kennedy explained in 1961, would flow "all of what [blacks] wanted to accomplish in education, housing, jobs, and public accommodation."⁸⁵ Here was the American exceptionalist belief reasserting itself.

The judicial reinterpretation of the Voting Rights Act that occurred in subsequent decades is testimony to the unravelling of the American exceptionalist belief that equal process would promote equal results. In its place has arisen the belief that unequal outcomes are *prima facie* evidence of an unfair process. Whereas the original voting rights act defined discrimination in terms of process (removing obstacles to voting), subsequent interpretations have defined discrimination in terms of results (ensuring that the impact of minority votes is not "diluted," which in practice means maximizing the number of elected minorities). As understood today, the voting rights act is held to mean that if the results are unequal (for instance, if an annexation of surrounding areas decreases the proportion of blacks within the city), then the process can assumed to be racially discriminatory, no matter what the intent. Originally a voting rights violation was conceived of in terms of giving blacks a test that whites were not required to take. Today, as Thernstrom points out, "an alleged voting rights violation . . . is a districting plan that contains nine majority-black districts when a tenth could be drawn." In short, voting rights has

85. Abigail M. Thernstrom, *Whose Votes Count?: Affirmative Action and Minority Voting Rights* (Cambridge, MA: Harvard University Press, 1987), p. 13.

been "reshaped into an instrument for affirmative action in the electoral sphere." It has "evolved from a vehicle for enfranchisement to a means by which political power is redistributed among blacks, whites, and (since 1975) Hispanics." As its focus has shifted from securing equal process to securing equal results, the Voting Rights Act has become a justification for an "unprecedented federal involvement in local electoral matters."⁸⁶

Affirmative action programs, in all their guises, have provided the final nails in the coffin of American exceptionalism. Finding common ground between individualists and egalitarians on issues of affirmative action is next to impossible, although sometimes the differences between these two visions have been muted by adopting the individualist rhetoric of ensuring equality of opportunity. But equality of opportunity, as philosopher Charles Frankel has suggested, "is a highly stretchable [and] ambiguous concept, which cloaks strongly divergent ideas over which people do in fact disagree."⁸⁷ Agreement on the proposition that individuals ought to have an equal opportunity to develop their talents masks disagreement about what constitutes an equal opportunity as well as what counts as "natural talents."

Consider the often used metaphor of a "fair race." How would one determine whether a race was fair? The notion of equality of opportunity suggests that a fair race is one in which all enjoy an equal start. If individualists and egalitarians can accept this formulation,⁸⁸ it is only because this answer begs more questions than it answers. It does not tell us what constitutes an equal start or even when the race starts. Egalitarians take the position that "the race should begin anew every day and that society should do everything in its power to put all competitors on an equal footing at the start of the day."⁸⁹ For individualists, this is an open invitation to constant government intervention and tantamount to equal results.

86. Thernstrom, *Whose Votes Count?*, pp. 5, 27, 25.

87. Charles Frankel, "Equality of Opportunity," *Ethics* 81 (1971): 192.

88. Some egalitarians reject equality of opportunity and the "race" metaphor as inherently anti-egalitarian and antidemocratic. See, e.g., Schaar, "Equality of Opportunity and Beyond."

89. Christopher Jencks, "What Must Be Equal for Opportunity to Be Equal?" in *Equal Opportunity*, ed. Norman E. Bowie (Boulder, CO: Westview Press, 1988), p. 48.

Many egalitarians insist that the only real equality of opportunity is a situation in which one cannot predict an individual's future income, occupation, or status on the basis of his race, sex, religion, ethnic identification or family background. In a truly egalitarian society, ability alone would determine one's position. But what is meant by "ability"? What is "natural ability" and what is a product of one's upbringing? Was I denied an equal opportunity to compete for a position on a professional baseball team because I grew up in a family that placed a higher priority on schooling than sports?⁹⁰ To wipe the slate clean, to make everyone's chances identical, as James Coleman points out, requires that "the equalizing institutions must invade the home, pluck the child from his unequalizing environment, and subject him to a common equalizing environment."⁹¹ Interpreted in this way, equal opportunity becomes indistinguishable from equality of results.

The contemporary debate over how to remedy racial and gender inequalities has repeatedly brought to the surface the dissensus that lies beneath the consensus on equal opportunity. As long as affirmative action (which privileges equal results over equal process) remains at the forefront of the public policy agenda, there is little chance that individualists and egalitarians will be able to find common ground. In place of this exceptionalist alliance, Americans will continue to witness a divisive battle between egalitarians who insist that the belief that equal process will translate into more equal results is naive if not racist, and individualists who accuse advocates of affirmative action of practicing "affirmative discrimination" and setting America on the road to socialism.

90. Frankel, "Equality of Opportunity," p. 202.

91. James S. Coleman, "Inequality, Sociology, and Moral Philosophy," *American Journal of Sociology* 80 (1974): 751.